

IN THE
Supreme Court of the United States

OCTOBER TERM, 1953

No. _____, Original

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
Complainant,

v.

STATE OF LOUISIANA; STATE OF FLORIDA; STATE OF TEXAS;
STATE OF CALIFORNIA; GEORGE M. HUMPHREY; DOUGLAS
McKAY; ROBERT B. ANDERSON; IVY BAKER PRIEST,
Defendants.

**BRIEF OF THE STATE OF MONTANA AS AMICUS
CURIAE IN SUPPORT OF PETITION
FOR REHEARING**

This brief is filed by the Attorney General of Montana in support of the Petition for Rehearing of the State of Rhode Island, Complainant. The brief is filed pursuant to Rule 27(9)(d) of the Revised Rules of this Court.

Montana joins its sister states, the Commonwealth of Kentucky and the States of Missouri and West Virginia, which are also urging as *amicus curiae*, that the Petition of Rhode Island be granted.

Montana has a vital interest in this proceeding. It strongly believes that the opportunity for a full hearing and consideration of the issues on their merits should be granted by this Court. Therefore, it respectfully urges this Court to grant this Petition for Rehearing. In the interest of brevity Montana herewith accepts and urges the arguments for rehearing which are stated in detail in the Rhode Island Petition.

So important are the issues raised by the Complaint that the State of Montana desires, if the Petition for Rehearing is granted, to move to intervene in the proceeding or, in the alternative, to file a comprehensive brief as *amicus curiae*. Montana is not one of the favored few states which Congress sought to endow with a share of a tremendous national asset through the medium of Public Law 31. It believes that before this Court places its stamp of constitutional approval on an effort to give away natural resources which the United States held in a sovereign and proprietary capacity, it should be ascertained authoritatively whether such a gift was in fact made by Public Law 31. This matter is too important to the sovereign states like Montana which are not benefited by Public Law 31 to pass over this statutory question in silence. These states are vitally concerned lest assets which have been conserved and developed for the protection and benefit of the entire American people are considered quit-claimed to a few states contrary to express statutory language.

It is essential, therefore, that there be a full-scale consideration by this Court of the statutory questions raised by the Petition for Rehearing, questions which are necessarily preliminary to any constitutional determination. To that end, the State of Montana respectfully urges this Court to grant the Petition for Rehearing.

Respectfully submitted,

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CORCORAN, YOUNGMAN & ROWE,
Of Counsel.

April 10, 1954.

Certificate of Counsel

We hereby certify that this Brief in support of the Petition for Rehearing is prepared in good faith and not for delay.

We further certify that a copy of this Brief has been served on all parties of record by mailing a copy of same to them, postage prepaid.

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